

08/22/03  
1554155  
U.S. PTO

PATENT  
Atty. Dkt. No. WEAT/0440.C2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 CFR1.10

I hereby certify that this transmittal and the documents referred to as attached thereto are being deposited on 22 August 2002, with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," mailing label No. EV351031036US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

22 Aug 02 Julian Bittner  
Date Signature

### REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

This is a request for filing the following continuing application for a prior application:

- Continuation
- Divisional
- Continuation-in-part
  - attached is an amendment for added subject matter
- Continuing application to permit consideration of an information disclosure statement under 37 CFR 1.97

03970 U.S. PTO  
10/646368  
08/22/03

### PARTICULARS OF PRIOR APPLICATION

Application Serial No.: 10/191,710

Confirmation No.: 6897

Filed: July 9, 2002

Title: Optical Sensor Having Differing Diameters

U.S. Patent Application Serial No. 10/191,710 is a continuation of U.S. Patent Application Serial No. 09/455,867, filed December 6, 1999, now Patent No. 6,422,084, which is a continuation-in-part of U.S. Patent Application Serial No. 09/399,404, filed September 20, 1999, now abandoned, which is a continuation-in-part of U.S. Patent Application, Serial No. 09/205,944, filed December 4, 1998, now abandoned. Priority is claimed to these earlier applications.

Name(s) of applicant(s) (as originally filed and as last amended) and the current correspondence address and country of citizenship for each:

Sole or First Inventor:

Name: Mark R. Fernald  
Residence: 35 Tyler Road, Enfield, Connecticut 06082  
Country of Citizenship: U.S.A.  
Post Office Address: same as above

Second Inventor:

Name: Timothy J. Bailey  
Residence: 703 Maple Road, Longmeadow, Massachusetts 01106  
Country of Citizenship: U.S.A.  
Post Office Address: same as above

Third Inventor:

Name: Matthew B. Miller  
Residence: 140 Deerfield Drive, Glastonbury, Connecticut 06033  
Country of Citizenship: U.S.A.  
Post Office Address: same as above

Fourth Inventor:

Name: James M. Sullivan  
Residence: 465 Buckland Hills Drive, Manchester, Connecticut 06040  
Country of Citizenship: 06040  
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Fifth Inventor:

Name: James R. Dunphy  
Residence: 21 Hickory Drive, South Glastonbury, Connecticut 06073  
Country of Citizenship: 06073  
Post Office Address: same as above

Sixth Inventor:

Name: Michael A. Davis  
Residence: 172 Stevens Lane, Glastonbury, Connecticut 06033  
Country of Citizenship: U.S.A.  
Post Office Address: same as above

Seventh Inventor:

Name: Christopher J. Wright  
Residence: 11909 Spencer Road, FM 529, Houston, Texas 77041  
Country of Citizenship: U.S.A.  
Post Office Address: same as above

Eighth Inventor:

Name: Alan D. Kersey  
Residence: 75 Taylor Town Road, South Glastonbury, Connecticut 06073  
Country of Citizenship: U.S.A.  
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Ninth Inventor:

Name: Martin A. Putnam  
Residence: 78 Lancaster Way, Cheshire, Connecticut 06410  
Country of Citizenship: U.S.A.  
Post Office Address: same as above

Tenth Inventor:

Name: Robert N. Brucato  
Residence: 11909 Spencer Road, FM 529, Houston, Texas 77041  
Country of Citizenship: U.S.A.  
Post Office Address: same as above

Eleventh Inventor:

Name: Paul E. Saunders  
Residence: 1 Centre Village, Madison, Connecticut 06443  
Country of Citizenship: U.S.A.  
Post Office Address: same as above

**INVENTORSHIP STATEMENT**

(a)  This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above, and the inventor(s) in this application are:

the same

less than those named in the prior application, and it is requested that the following inventor(s) for the prior application be deleted: \_\_\_\_\_

(b)  This application discloses and claims additional disclosure and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above, the inventor(s) in this application are:

the same

not the same, and are listed in the attached new declaration or oath filed herewith.

(c)  The inventorship for all the claims in this application is:

the same

not the same; and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

**DECLARATION OR OATH**

Continuation or Divisional

Continuation-in-part

Attached, and executed by:

inventor(s)

legal representative of inventor(s) (37 CFR 1.42 or 1.43)

joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached (37 CFR 1.47)

This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached.

Not attached

Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above-named applicant(s).

Attached is a showing that the filing is authorized.

**IDENTIFICATION OF CLAIMS FOR FURTHER PROSECUTION**

The fees to be charged are to be based on the number of claims remaining as a result of the:

attached preliminary amendment  
 cancellation of claim(s) \_\_\_\_\_  
 claims in the application

**FEE CALCULATION (37 CFR 1.16)**

	NUMBER OF CLAIMS FILED	LESS NUMBER PAID BY BASIC FEE	NUMBER OF EXTRA CLAIMS (Not less than zero)	LARGE. ENTITY FEE
Basic Fee				\$740.00
Total Claims	20	- 20 = 0	X \$. =	\$ .00
Independent Claims	3	- 3 = 0	X \$. =	\$ .00
First Presentation of Multiple Dependent Claims		+ \$.		-0-
Total Filing Fee Calculation				\$740.00

**PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME NECESSARY TO FILE AN AMENDMENT**

There is provided herewith a Petition for Suspension of Prosecution for the Time Necessary to File an Amendment (37 CFR 1.103) – New Application Filed Concurrently

**FEES PAYMENT BEING MADE AT THIS TIME**

No filing fee is submitted

Filing Fee \$740.00  
 Recording Assignment [37 CFR 1.21(h)] \$ 40.00  
 Petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached [37 CFR 1.47 and 1.17(h)] \$130.00

Processing and retention fee [37 CFR 1.53(d) and 1.21(l)] \$130.00

**Please charge Deposit Account No. 20-0782/WEAT/0440.C2/WBP in the amount of: \$740.00**  
(A duplicate copy of this request is enclosed)

#### AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of this application, to **Deposit Account No. 20-0782/WEAT/0440.C2/WBP.**

37 CFR 1.16(a), (f) or (g) (filing fees)  
 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)  
 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)  
 37 CFR 1.17 (application processing fees)  
 37 CFR 1.18 [issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)]

#### INSTRUCTIONS AS TO OVERPAYMENT

**Credit Deposit Account No. 20-0782/WEAT/0440.C2/WBP.**

#### PRIORITY 35 USC 119

Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC 119.

The certified copy has been filed on \_\_\_\_\_ in prior U.S. Application Serial No. \_\_\_\_\_, which prior application was filed on \_\_\_\_\_.

Certified copy will follow.

#### RELATE BACK 35 USC 120

Amend the specification by inserting before the first line the sentence:

"This is a

divisional  
 continuation  
 continuation-in-part

of copending application(s)

Serial No. \_\_\_\_\_ filed on \_\_\_\_\_."

International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S."

**ASSIGNMENT**

- The prior application is assigned of record to: Weatherford/Lamb, Inc.
- An assignment of the invention to \_\_\_\_\_ is attached.
- Form PTO 1595 (Recordation Form Cover Sheet) is also attached (**in duplicate**).

**POWER OF ATTORNEY**

- The power of attorney in the prior application is to:

B. Todd Patterson	Registration No. 37,906
Keith M. Tackett	Registration No. 32,008
Gero G. McClellan	Registration No. 44,227
William B. Patterson	Registration No. 34,102
Peter L. Brewer	Registration No. 41,636
Randol W. Read	Registration No. 43,876
Jason C. Huang	Registration No. 46,222
David M. Haugen	Registration No. 46,222

Send correspondence to: Direct telephone calls to:

William B. Patterson	713-623-4844
MOSER, PATTERSON & SHERIDAN, L.L.P.	MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500	(713) 623-4844
Houston, TX 77056	

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on July 30, 2003.
- A new power has been executed and is attached.
- Address all future communications to:  
William B. Patterson  
MOSER, PATTERSON & SHERIDAN, L.L.P.  
3040 Post Oak Blvd. Suite 1500  
Houston, TX 77056

Direct telephone calls to:

William B. Patterson  
MOSER, PATTERSON & SHERIDAN, L.L.P.  
(713) 623-4844

**MAINTENANCE OF COPENDENCY OF PRIOR APPLICATION**

A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_. (copy attached)

**CONDITIONAL PETITION FOR EXTENSION OF TIME IN PRIOR APPLICATION**

A conditional petition for extension of time is being filed in the pending prior application. (copy attached)

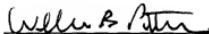
**ABANDONMENT OF PRIOR APPLICATION**

Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application. At the same time, please add the words "now abandoned" to the amendment to the specification set forth in the "Relate Back-35 USC 120" section (page 5).

**INFORMATION DISCLOSURE STATEMENT**

Submitted herewith is an Information Disclosure Statement.

Respectfully submitted,

  
\_\_\_\_\_  
William B. Patterson  
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Agent for Applicants